

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 299

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission concerning off-duty officers hired by an outside employer.

The Commission understands the facts relative to your inquiry to be as follows:

In your capacity as a City officer, you must approve any outside employment held by officers on their off-duty time.

Currently one detective is employed by a company that provides security and consultations regarding the film industry. In that position, he hires off-duty officers for special duty as security for filming and in an outside employment capacity as "extras" in films.

Similar situations exist where other off-duty officers are hired by private businesses to act as liaisons to the Honolulu Police Department ("HPD"), set up security, and hire special duty officers when they are needed.

The ethical question presented is whether off-duty officers hired by an outside employer may make direct contact with HPD or any other City agency for the benefit of the non-City employer. The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-102(e) which states in pertinent part:

No elected or appointed officer or employee shall... appear in behalf of private interests before any [City] agency....

Based on the evidence presented, the Commission finds that no HPD officers may make direct contact with HPD or any other City agency for the benefit of a non-City employer. Furthermore, all arrangements for special duty officers to be used by an HPD officer's non-City employer must be made through the established channels used by ordinary persons.

Officers may, however, provide other employees of their non-City employer with information about who to contact in the City, what information is needed for a permit, where the particular office is located, and so forth -- as long as an officer does not personally appear before a City agency. It should be noted that to "appear" includes acting as an agent for or otherwise representing any other person or business in any formal or informal proceeding. To "appear" also includes making any oral or written communications, including letters or telephone calls, to any City agency or personnel with the intent to influence on behalf of any other person or business.

Dated: June 15, 1999

FAY M. UYEMA
Chair, Ethics Commission